

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2013-004797-001 DT

10/23/2014

HONORABLE MICHAEL W. KEMP

CLERK OF THE COURT

I. Huerta

Deputy

STATE OF ARIZONA

KARIN TANG ROYLE

v.

JOHN DAVID WEE (001)

DOB: 09/14/1969

KRISTEN M CURRY

APO-SENTENCINGS-CCC

APPEALS-CCC

DISPOSITION CLERK-CSC

EDM-QC-CCC

RFR

VICTIM WITNESS DIV-AG-CCC

ARIZONA DEPARTMENT OF REAL
ESTATE

2910 N 44TH STREET SUITE 100

PHOENIX AZ 85018

SUSPENSION OF SENTENCE - PROBATION GRANTED

9:32 a.m.

Courtroom CCB 1304

State's Attorney:

Michael Flynn

Defendant's Attorney:

Above named counsel

Defendant:

Present

Court Reporter:

Scott Coniam

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A record of the proceeding is also made by audio and/or videotape.

Per stipulation of the parties,

The original Plea Agreement not being in the Court's possession,

IT IS ORDERED directing the Clerk's Office, EDM-QC personnel, to make the below-referenced amendment and to have the document rescanned:

On page 1, Count 5 should be reflected as a class 6 undesigned felony.

Keith Cochran addresses the Court.

The plea is accepted.

Count(s) 5: WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

Count(s) 6: WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

IT IS THE JUDGMENT of the Court the Defendant is guilty of the following:

OFFENSE: Count 5 as amended; Theft
Class 6 Undesignated Felony
A.R.S. § 13-1802, 701, 702, 801
Date of Offense: 01/29/2013
Non Dangerous - Non Repetitive

OFFENSE: Count 6 False Reporting
Class 1 Misdemeanor
A.R.S. § 13-2907.01, 707, 802
Date of Offense: 04/24/2013
Non Dangerous - Non Repetitive

The Court is suspending imposition or execution of sentence and, under the supervision of the Adult Probation Department (APD), placing the Defendant on probation for:

Count 5 Probation Term: 2 years

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To begin 10/23/2014.

IT IS ORDERED that probation in this Count shall run concurrent with probation in Count 6 in this cause number.

Count 6 Probation Term: 2 years

To begin 10/23/2014.

IT IS FURTHER ORDERED that probation in this Count shall run concurrent with probation in Count 5 in this cause number.

Condition 6: Report to the APD within 72 hours of sentencing, absolute discharge from prison, release from incarceration, or residential treatment and continue to report as directed. Keep APD advised of progress toward case plan goals and comply with any written directive of the APD to enforce compliance with the conditions of probation. Provide DNA testing if required by law.

Condition 8 - Request and obtain written permission of the APD prior to leaving the state.

Condition 15: Restitution, Fines and Fees:

RESTITUTION: Count 5 - \$7,500.00 payable monthly, beginning 12/01/2014, to the following persons:

Keith Cochran (Individual) \$7,500.00

Restitution ledger provided; priority of payment as stated in the restitution ledger.

PROBATION SERVICE FEE: Count 5 - \$65.00 per month, beginning 12/01/2014.

PROBATION SURCHARGE: Count 5 - \$20.00 payable on 12/01/2014.

Count 5: Time payment fee pursuant to A.R.S. § 12-116 in the amount of \$20.00 payable on 12/01/2014.

All amounts payable through the Clerk of the Superior Court.

The Court retains jurisdiction for any future restitution hearings.

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Condition 18 - Count 5: Be incarcerated in the county jail for 60 day(s) total, beginning 10/23/2014 with credit for 0 day(s) served.

Not to be released until 11/22/2014.

Defendant shall participate in Work Release as follows: Monday through Sunday, 10:00 a.m. to 10:00 p.m.

Report to the APD within 72 hours of release from jail. Comply with all program rules.

Condition 19: Not have any contact with the victim(s) in any form, unless approved in writing by the APD.

Condition 21 - Abide by the special conditions of probation as noted on the attachment to the Uniform Conditions of Supervised Probation as follows:

White Collar

Condition 22: Other – First jail sentence: 30 days jail beginning 10/23/2014, to be released on 11/22/2014. Second jail sentence: 30 days jail beginning 02/01/2015, to be released on 03/02/2015. Work Release applies to both jail terms. As to the White Collar terms: all terms apply except #11.

IT IS FURTHER ORDERED that the Defendant shall submit to fingerprint identification processing by the Maricopa County Sheriff's Office if directed to do so by the Adult Probation Department. The Adult Probation Department shall direct any Defendant placed on probation who has not already had a State Identification Number (SID) established to submit to fingerprint processing.

Defendant is advised pursuant to A.R.S. § 13-805 that failure to maintain contact with the Probation Department may result in the issuance of:

1. A criminal restitution order in favor of the state for the unpaid balance, if any, of any fines, costs, incarceration costs, fees, surcharges or assessments imposed.
2. A criminal restitution order in favor of each person entitled to restitution for the unpaid balance of any restitution ordered.

IT IS FURTHER ORDERED granting the Motion to Dismiss the following: Counts 1, 2, 3 and 4; the allegation of multiple dates of offense and the Attorney General's Office agrees

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not to file any further Fraudulent Schemes and Artifices, Forgery, or Perjury charges arising out of FBI Report #329F-PX-2892279 but cannot make such an agreement as to any other independent jurisdiction.

Count(s) 5: IT IS FURTHER ORDERED remanding the Defendant to the custody of the Maricopa County Sheriff.

IT IS FURTHER ORDERED the bond previously posted in this matter is to be exonerated and applied towards restitution to victim, Keith Cochran.

IT IS FURTHER ORDERED that the Defendant must submit to DNA testing for law enforcement identification purposes in accordance with A.R.S. §13-610.

The presentence investigation report is filed under this cause.

LET THE RECORD REFLECT notification to Arizona Department of Real Estate has been sent via the Clerk of Court Certification Desk.

9:45 a.m. Matter concludes.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>. Attorneys are encouraged to review Supreme Court Administrative Order 2011-140 to determine their mandatory participation in eFiling through AZTurboCourt.

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Defendant's right index fingerprint is permanently affixed to this sentencing order in open court.

/s/ HONORABLE MICHAEL W. KEMP
JUDGE OF THE SUPERIOR COURT

(right index fingerprint)